

Entered 4-5-04 sb  
CL 04L0231 GWENDOLYN BURNS

**CLAIM OF: GEORGE T. KNIGHT**  
2965 Linkwood Place  
Atlanta, Georgia 30318

04- *R*-1163

For property damage allegedly sustained from storm water overflow on from a creek from 1992 to present at 2965 Linkwood Place.

THIS ADVERSED REPORT IS  
APPROVED

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 6/29/04

CHAIR: H. F. Smith

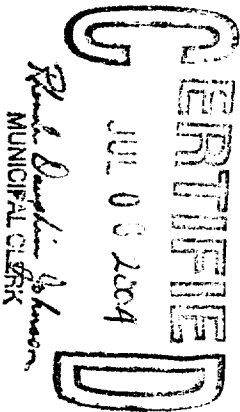
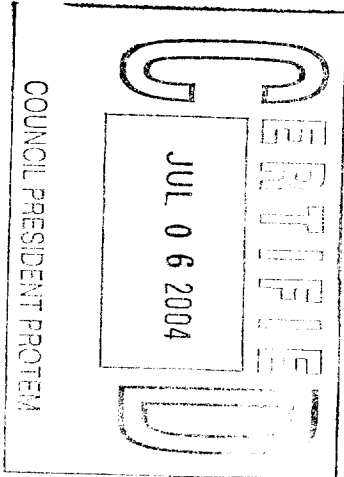
Vernell Murrell

Harry Norwood

C. T. Mark

Harold Smith

Carla Smith





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

July 19, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

George T. Knight  
2965 Linkwood Place  
Atlanta, GA 30318

04-R-1163

Dear Mr. Knight:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 06, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 04L0231

Date: June 15, 2004

Claimant /Victim GEORGE T. KNIGHT  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2965 Linkwood Place, Atlanta, Georgia 30318  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 110,000.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 4/5/04 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 1992 - present Place: 2965 Linkwood Place  
Department WATERSHED MANAGEMENT Division: Storm Water Compliance  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that his home sustained structural damages from storm water overflow from a creek that runs underneath his home. However, an investigation determined that the storm line in question is a private line for which the City has no easement. Moreover, the City is not responsible for the maintenance of creeks and damages that result from creek overflow and erosion.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2PO1 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 06/11/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5880  
7/06/04  
3:18 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-9, EXCEPT:04-R-1187  
04-R-1179 04-R-1143 03-O-1690  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	NV Muller	Y Maddox	Y Norwood
NV Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036 2. 04-O-1037 3. 04-O-1038 4. 04-O-1039 5. 04-O-1040 6. 04-O-1041 7. 04-O-1042 8. 04-O-1196 9. 04-O-1013 10. 04-O-1014 11. 04-O-1050 12. 04-O-1054 13. 04-O-1055 14. 04-O-1058 15. 04-R-1152 16. 04-R-1153 17. 04-R-1158 18. 04-R-1193 19. 04-R-1155 20. 04-R-1149 21. 04-R-1150 22. 04-R-1033 23. 04-R-1146 24. 04-R-1148 25. 04-R-1159 26. 04-R-1160 27. 04-R-1161 28. 04-R-1187 29. 04-R-1188 30. 04-R-1189 31. 04-R-1190 32. 04-R-1191 33. 04-R-1192	34. 04-R-1163 35. 04-R-1164 36. 04-R-1165 37. 04-R-1166 38. 04-R-1167 39. 04-R-1168 40. 04-R-1169 41. 04-R-1170 42. 04-R-1171 43. 04-R-1173 44. 04-R-1174 45. 04-R-1175 46. 04-R-1176 47. 04-R-1177 48. 04-R-1179 49. 04-R-1180 50. 04-R-1181 51. 04-R-1182 52. 04-R-1183 53. 04-R-1184 54. 04-R-1185 55. 04-R-1186